

REMARKS

Applicants have carefully reviewed and considered the Examiner's Office Action dated June 14, 2006. This Amendment accompanies a Request for Continued Examination (RCE) and reconsideration is respectfully requested in view of the foregoing amendment and comments set forth below.

By this Amendment, claims 1 and 28 are amended to recite that the suction conveyor is above the fluidized bed as described in paragraph [0095] and Figures 10 and 12 of the present application and that the sharpest curvature of the fluidized bed occurs at the end where it connects with the suction conveyor as recited in paragraph [00113] of the present application. Accordingly, claims 1, 3-13 and 27-28 are pending in the present application.

Claims 1, 3-7, 11-13, and 27-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,834,869 to Ancelle *et al.* (hereinafter referred to as "Ancelle") for the reasons set forth in the paragraphs spanning pages 2-3 of the Action. In addition, claim 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ancelle, as described in the paragraphs at the top of page 4 of the Action. As stated above, independent claim 1 is amended and to the extent Ancelle may be used, these rejections are respectfully traversed.

Ancelle is directed to a method and apparatus for improved dispersion of fibres or particles into a liquid suspension. All embodiments of the method and apparatus disclosed by Ancelle provide a wetting bath 39, or wetting baths 50, 51, or a liquid bath 70 or 87 for the fibres deposited on a moving cloth or screen. Ancelle does not disclose a method for producing a nonwoven fiber composite for the manufacture of filters in the

tobacco industry, nor is its disclosure capable of producing nonwoven fiber composites as recited in the claims.

To the contrary, the dispersion of fibres disclosed by Ancelle comply with different requirements than those which are fulfilled by the claimed invention. Paragraph [0007] of the originally-filed application describes that “extremely good continuous rod characteristics for the compiled filter materials in the continuous rod forming device” can be achieved with a fluidized bed comprising a curved wall that guides the filter material. “It is advantageous if the curved wall of the fluidized bed initially points downward, then changes over to the horizontal position and finally is directed upward [to the suction conveyor]”. When dispersing fibers according to the claimed invention, it is very important to separate the used transport air from the fibers. This is what the curved portion (wall) of the fluidized bed achieves in that the fiber material is directed in an upward direction when the fluidized bed reaches the suction conveyor. The fluidized bed initially points downward, and at its end points upward to the suction conveyor to enhance separation of the fibers from the transport air.

In contrast, Ancelle is not concerned with the arrangement of conduit 11 where an air stream moves fibres that fall from a hopper initially along a horizontal path, then upward and then downward to the suction boxes. It is not necessary for Ancelle to provide an arrangement of the fluidized bed pointing upward at the suction boxes because the fibres of Ancelle are guided into a wetting bath or liquid bath afterwards. Due to this process step, it is not necessary to separate the transport air from the fibers. Instead of the fibres of Ancelle being directed in an **upward** direction to the suction boxes, Figure

3 shows that the fibres of Ancelle are moved in a downward direction to the suction boxes 36, 37 or 48, 49, or cylinder 67.

Further, the moving cloth or screen 35 of Ancelle is **beside** the conduit 11 and not above the fibres so that the fibres move in an upward direction **to the suction conveyor** (moving cloth or screen with suction boxes), as required by independent claim 1 of the present application. Accordingly, Ancelle fails to disclose 1) a method for producing a nonwoven fiber composite for the manufacture of filters in the tobacco industry; 2) a suction conveyor located **above** the fluidized bed of separated transport material; and 3) the separated material being directed in an **upward** direction to the suction conveyor. Consequently, Ancelle cannot anticipate claims 1, 3-7, 11-13, 27 and 28 because it fails to disclose each and every feature of the claimed invention. Withdrawal of this rejection is respectfully requested.

Claims 8-10 are at least patentable for the reasons given above as they depend directly or indirectly from independent claim 1. It is respectfully submitted that one of ordinary skill in the art would not have been motivated to modify Ancelle to locate the suction boxes above the fluidized bed so that the separated fibers must travel in an upward direction to reach the suction conveyor, as Ancelle teaches fibres moving in a downward direction at the suction conveyor, which is beside the conduit carrying the fibres at a lower elevation. That is, Ancelle teaches away from the present invention. Consequently, one of ordinary skill in the art would not have considered modifying Ancelle to achieve the claimed invention, nor would one of ordinary skill in the art consider Ancelle as rendering the claim invention unpatentable. Withdrawal of claims 8-10 under 35 U.S.C. §103 (a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that independent claim 1 and dependent claims 2, 3-13, 27 and 28 are allowable over the prior art of record. Reconsideration of the application and an issuance of a Notice of Allowance are earnestly solicited.

If the Examiner is of the opinion that the prosecution of the application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

Respectfully submitted,



Catherine M. Voorhees
Registration No. 33,074
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax : (202) 344-8300

Date: September 13, 2006

CMV/elw
::ODMA\PCDOCS\DC2DOCS1\784783\1